

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Joe G. Lopez, Senior Deputy Clerk.

F043574 Diaz et al. v. Fresno Dodge, Inc.

Cause called and argued by James D. Burnside, III, Esq., counsel for appellant and by William M. Krieg, Esq., counsel for respondent.

Cause ordered submitted.

At this point Vartabedian, Acting P.J. directs Harris, Acting P.J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Gomes, J.

F044219 In re T.G., a Minor

Cause called and argued by Valerie Hriciga, Esq., counsel for appellant and by Charles Fennessey, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, December 9, 2004 at 10:00 A.M.

F043763 People v. Hernandez, Jr.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F043763 People v. Hernandez, Jr.

Hernandez's conviction for voluntary manslaughter and the jury's true finding on the arming enhancement are affirmed. The trial court's finding that Hernandez had a prior serious felony conviction in 1999 is reversed. The district attorney shall have 30 days after remittitur issues from this court to give notice of an intent to seek retrial of the prior conviction allegation. If the district attorney gives such notice, the court shall conduct further proceedings in accordance with this opinion. If the district attorney fails to give such notice, the court shall resentence Hernandez without reference to the strike allegation.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046350 In re Alicia W., a Minor; Stanislaus County Community Services Agency v. Wayne W.

No brief or request for extension of time having been filed within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F044625 People v. Rivera

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F043279 People v. Bautista

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F045744 In re Fernando N., a Minor

The above-entitled case is submitted for decision.

IN THE

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F045744 In re Fernando N., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044219 In re T.C., a Minor

The court's finding that the instant offense was gang related within the meaning of section 186.30(b)(3) is reversed. The judgment is affirmed in all other respects. The case is remanded to juvenile court for a new disposition hearing.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046624 Jennifer B. v. Superior Court of Tulare County; Tulare County Health and Human Services Agency

Pursuant to the terms of this court's order of November 30, 2004, and the failure of any party to request oral argument, the oral argument date of December 21, 2004, is vacated.

This matter is deemed submitted on the date of this order.

F046632 John D. v. Superior Court of Tulare County; Tulare County Health and Human Services Agency

Pursuant to the terms of this court's order of November 30, 2004, and the failure of any party to request oral argument, the oral argument date of December 21, 2004, is vacated.

This matter is deemed submitted on the date of this order.

F045360 People v. Espinoza

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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- F045360 People v. Espinoza**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043690 People v. Cochran**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F043690 People v. Cochran**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043852 Piccolotti v. Fischer**
The petition for rehearing filed by appellant on December 3, 2004, in the above entitled action is denied.
- F045306 People v. Gonzales**
The above-entitled case is submitted for decision.
- F045306 People v. Gonzales**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F046178 People v. Mejia**
No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.